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EXAMINER

DENNISON, JERRY B

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/868,819	<b>Applicant(s)</b> OLKKONEN ET AL.	
	<b>Examiner</b> Jerry Dennison	<b>Art Unit</b> 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-10 and 12-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10 and 12-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Action is in response to Application Number 09/868,819 received on 14 January 2008.
2. Claims 1, 3-10, and 12-26 are presented for examination.

### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/14/2008 has been entered.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 3-10, and 12-26 have been considered but are moot in view of the new ground(s) of rejection.
5. Applicant states that claims 21-27 were added in this Response (See Applicant's Remarks, page 8, line 4). Applicant provided further detail regarding claim 27 (See Applicant's Remarks, page 5, last paragraph). However, the claim listing provided in the response does not include a claim 27. As such, only claims 1, 3-10, and 12-26 exist and are therefore rejected for the reasons stated above.

### ***Claim Interpretation***

6. In the interest of expedited prosecution, the Examiner would like to note that several of the present claims (i.e. 17, 18) use functional language to describe claim elements. For example, the terms "configured for", "configured to", "enabled for", "adapted for", and "adapted to" raise questions as to the limiting effect of the functional language that follows them. The Examiner recommends amending the claims to contain positive recitations of the actions performed by the claim elements, rather than merely stating that the elements are "configured to" perform some future act. In the event that a hardware element is intended to contain software, which when executed, causes the hardware element to perform a function, the language of the claim should clearly express that relationship.

In the interest of expedited prosecution, all of these limitations have been rejected below, but Applicant is encouraged to amend the system/apparatus claims so that the claimed functions are positively recited, to ensure that those limitations may be given patentable weight.

### ***Claim Objections***

7. Claim 15 is objected to because of the following informalities: Claim 15 recites the limitation, "weather channel information definition is comprised in the datagram", which appears to include a typographical error (i.e. whether instead of ~~weather~~). Appropriate correction is required.

8. Claim 21 is objected to because of the following informalities: Claim 21 recites the limitation, "form different packet network gateways", which appears to include a typographical error (i.e. from instead of ~~form~~). Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 22- 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 22 recites the limitation, "wherein a first packet network gateway sends data to time slots 5 to 10 of at least at the rate 2048 kbit/s PCM trunk line at a second packet network gateway." It is unclear to Examiner how it is possible to send data to time slots. It is also unclear to Examiner what "2048 kbit/s PCM trunk line at a second packet network gateway" means. The claim appears to include grammatical errors, affecting the meaning of the claim.

11. Claim 23 includes the limitation, "a third packet network gateway is arranged to send data to the rest of the time slots of the same PCM trunk line". It is unclear to Examiner how it is possible to send data to time slots.

12. Claim 24 recites the limitation "the destination packet network gateway " in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 25 recites the limitation "the single channels " in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

14. Claims 10, 12, 13, 17 and 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 10 includes a "network element" comprising an "IP address generating unit". Applicant's specification states that the address generating unit may be realized using software programs (see Applicant's Specification, page 13, lines 25-27). Claims 10, 17, and 18 do not recite any structure for the "network element". As such, the claims may be limited to strictly software (i.e. computer program).

Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs are not physical "things". They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized.

M.P.E.P. 2601.1 Section I states, "Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and USPTO personnel should treat a claim for a computer program,

without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material."

Claims 10, 12, 13, 17, and 18 do not provide the computer-readable medium needed to realize the program's functionality. As such, claims 10, 12, 13, 17, and 18 are not limited to statutory subject matter and are therefore non-statutory.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1, 3-10, and 12-21, 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkes et al. (U.S. 6,438,124).

16. Regarding claim 1, Wilkes disclosed a method for transmission of data over a data transmission network, for establishing a datagram transference from a first circuit switched transmission line that has at least a first circuit switched network node (Wilkes, Figs. 2 and 10, elements 30, 31, and 32) and a second circuit switched transmission line that has at least a second circuit switched network node (Wilkes, Figs. 2 and 10, elements 34, 31, and 38), comprising:

employing, in the data transmission network, an IP protocol from said first network node receiving data from said first circuit switched transmission line to said second network node transmitting data into said second circuit switched transmission line (Wilkes, Fig. 10, Internet 16; col. 3, lines 49-50, transmitting TCP/IP packets); and

determining, in accordance with a predefined rule, an indication of a destination address of an IP protocol datagram comprising data received from the first circuit switched transmission line for transmission to the second network node based on circuit switched channel identifying parameters which identify at least one channel in the second circuit switched transmission line and an IP protocol address of the second network node (Wilkes, col. 3, line 59 through col. 4, line 4);

Wilkes disclosed the VoiceEngine acts as a multiplexer for simultaneously sending a signal to a plurality of VoiceEngines from a single VoiceEngine as well as for simultaneously receiving a signal from a plurality of VoiceEngines at a single VoiceEngine (Wilkes, Fig. 9A and 9B). Wilkes also disclosed the VoiceEngines are also capable of multiplexing many voice connections on a single Internet connection (col. 8, lines 22-25). Wilkes also disclosed the VoiceEngines preparing the data for transmission via the Internet by creating discrete packets which are routed to the complementary VoiceEngine, and the complementary VoiceEngine reconstructs the message (Wilkes, col. 7, line 60 through col. 8, line 2).

Wilkes did not explicitly state wherein a header is provided with the indication indicative separately for each time slot of at least one of said network nodes, on whether the IP protocol datagram carries the corresponding channel, so that when the



IP protocol datagram lacks carrying the corresponding channel indication, the receiving packet network node is enabled to receive data to that channel from other sources from a IP-network in a non-consecutive manner.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that each packet sent by the VoiceEngine contains a header that identifies which voice connection the packet belongs. Otherwise, the multiplexing of the packets from the multiple voice connections would result in packets being incorrectly used in reconstructing each message for transmitting to the receiving end, resulting in mixed streams which do not make any sense. It is well known in the art for the header of a packet in a data stream to include sequencing information as well as other control information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include within each packet header, time slot and sequencing information in order for the receiving end to successfully be able to determine which stream the packet belongs, as well as what piece of the voice data the packet corresponds to, in order for the stream to successfully be transmitted and understood at the receiving end.

17. Regarding claim 3, Wilkes disclosed the limitations as described in claim 1. Wilkes did not explicitly state wherein the IP protocol is an X.25 protocol. Official notice is taken that X.25 was a well known standard protocol, designed to accommodate communications over public data networks. Thus it would have been obvious to one of

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ordinary skill in the art at the time the invention was made to substitute one network protocol with another such as IP with X.25 to expand the functionality as provided by Wilkes. In doing so, the system would be designed in a way to enable the use of multiple protocols without having to redesign the system, thereby keeping costs of designing low while expanding the system's utility. See FOLDLOC, definition of "X.25."

18. Regarding claim 4, Wilkes disclosed the limitations as described in claim 1, including wherein data from at least one channel of the first circuit switched transmission line is transmitted as compressed data over the data transmission network (Wilkes, col. 7, lines 60-65).

19. Regarding claims 5 and 12, Wilkes disclosed the limitations as described in claims 4 and 10. Wilkes disclosed decompressing the transmitted data and executing digital to analog conversion (Wilkes, col. 8, lines 1-7). Wilkes also disclosed the purpose for compression is to meet the requirements of real-time conversation speeds. Wilkes did not explicitly state wherein only compressed speech signal parameters of a signal received from said at least one channel of the first circuit switched transmission line are transmitted over the data transmission network; wherein said received signal comprises an uncompressed speech signal part and compressed speech parameters. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to compress portions of each data packet to meet the requirements of real time conversion speeds.

20. Regarding claim 6, Wilkes disclosed the limitations as described in claim 4, including wherein the received signal of said at least one channel of the first circuit switched transmission line is compressed in the first network mode (Wilkes, col. 7, lines 60-65).

21. Regarding claim 7, Wilkes disclosed the limitations as described in claim 4, including wherein compressed speech parameters received from the first network node are decompressed into an uncompressed speech signal before transmission into the second circuit switched transmission line (Wilkes, col. 8, lines 1-7).

22. Regarding claim 8, Wilkes disclosed the limitations as described in claim 1, including wherein samples of data from more than one channel of the first circuit switched transmission line over the data transmission network in one IP protocol datagram (Wilkes, col. 8, lines 21-25).

23. Regarding claim 9, Wilkes disclosed the limitations as described in claim 1. Wilkes did not explicitly state transmitting a message which describes supported coding modes for compressed speech parameters from the first network node to the second network node and describing said supported coding modes in said transmitted message in an order of preference for optimizing speech data transmission. However it would have been obvious to one of ordinary skill in the art at the time the invention was made

to include communication control messages between the VoiceEngines of Wilkes in order for the VoiceEngines to be on the same page and follows the same protocols and parameters in order to successfully communicate the voice data that both ends can properly interpret, for the benefit of reducing the amount of errors in transmission.

24. Regarding claim 10, Wilkes disclosed a network element (Wilkes, Fig. 2, 32, 34) for connection of a circuit switched transmission line to a data transmission network employing a IP protocol, wherein the network element comprises a IP protocol address generating unit for generating IP protocol addresses for IP protocol packets based at least partly on parameters identifying at least one channel of the circuit switched transmission line (Wilkes, col. 3, line 55 through col. 4, line 5), wherein said network element is arranged to implement the method according to claim 1 (see Rejection of claim 1).

25. Regarding claim 13, Wilkes disclosed the limitations as described in claim 10, including wherein the network element comprises a compression unit for compressing a signal of at least one channel of the circuit switched transmission line before transmission over the data transmission network (Wilkes, col. 7, lines 60-67).

26. Regarding claim 14, Wilkes disclosed a method for transmission of data over a data transmission network, comprising:

employing, in the data transmission network, an IP protocol from a first network node receiving data from a first circuit switched transmission line to a second network node transmitting data into a second circuit switched transmission line (Wilkes, Fig. 10, Internet 16; col. 3, lines 49-50, transmitting TCP/IP packets);

determining, in accordance with a predefined rule, a destination address of an IP protocol datagram comprising data received from the first circuit switched transmission line for transmission to the second network node based on circuit switched channel identifying parameters which identify at least one channel in the second circuit switched transmission line and an IP protocol address of the second network node (Wilkes, col. 3, line 59 through col. 4, line 4); and

inserting status information into the datagram (Wilkes, col. 6, lines 59-67).

Wilkes disclosed the VoiceEngine acts as a multiplexer for simultaneously sending a signal to a plurality of VoiceEngines from a single VoiceEngine as well as for simultaneously receiving a signal from a plurality of VoiceEngines at a single VoiceEngine (Wilkes, Fig. 9A and 9B). Wilkes also disclosed the VoiceEngines are also capable of multiplexing many voice connections on a single Internet connection (col. 8, lines 22-25). Wilkes also disclosed the VoiceEngines preparing the data for transmission via the Internet by creating discrete packets which are routed to the complementary VoiceEngine, and the complementary VoiceEngine reconstructs the message (Wilkes, col. 7, line 60 through col. 8, line 2).

Wilkes did not explicitly state wherein a header is provided with the indication indicative separately for each time slot of at least one of said network nodes, on

whether the IP protocol datagram carries the corresponding channel, so that when the IP protocol datagram lacks carrying the corresponding channel indication, the receiving packet network node is enabled to receive data to that channel from other sources from a IP-network in a non-consecutive manner.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that each packet sent by the VoiceEngine contains a header that identifies which voice connection the packet belongs. Otherwise, the multiplexing of the packets from the multiple voice connections would result in packets being incorrectly used in reconstructing each message for transmitting to the receiving end, resulting in mixed streams which do not make any sense. It is well known in the art for the header of a packet in a data stream to include sequencing information as well as other control information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include within each packet header, time slot and sequencing information in order for the receiving end to successfully be able to determine which stream the packet belongs, as well as what piece of the voice data the packet corresponds to, in order for the stream to successfully be transmitted and understood at the receiving end.

27. Regarding claim 15, Wilkes disclosed the limitations of claim 14. Wilkes did not explicitly state wherein said status information comprises at least an indicator to indicate activity of the at least one channel, a length of samples of the at least one channel and

whether channel information definition is comprised in the datagram. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include control parameters to indicate status information such as the activity of the channel, length of the samples and whether the channel information is comprised in the datagram in order to notify the receiving end of how to handle the content of the datagram. Such status information is crucial in successfully transmitting the voice data in real time, for example, the length of a sample provides information necessary for the receiving end to determine sequencing information for the voice data in the stream.

28. Regarding claim 16, Wilkes disclosed a method for transmission of data over a data transmission network, comprising:

employing in the data transmission network, a IP protocol from a first network node receiving data from a first circuit switched transmission line to a second network node transmitting data into a second circuit switched transmission line (Wilkes, Fig. 10, Internet 16; col. 3, lines 49-50, transmitting TCP/IP packets);

determining, in accordance with a predefined rule, a destination address of a IP protocol datagram comprising data received from the first circuit switched transmission line for transmission to the second network node based on circuit switched channel identifying parameters which identify at least one channel in the second circuits witched transmission line and a IP protocol address of the second network node (Wilkes, col. 3, line 59 through col. 4, line 4); and

determining an IP address based on a time slot number having data which is transferred in the datagram (Wilkes, col. 6, lines 38-48):

Wilkes disclosed the VoiceEngine acts as a multiplexer for simultaneously sending a signal to a plurality of VoiceEngines from a single VoiceEngine as well as for simultaneously receiving a signal from a plurality of VoiceEngines at a single VoiceEngine (Wilkes, Fig. 9A and 9B). Wilkes also disclosed the VoiceEngines are also capable of multiplexing many voice connections on a single Internet connection (col. 8, lines 22-25). Wilkes also disclosed the VoiceEngines preparing the data for transmission via the Internet by creating discrete packets which are routed to the complementary VoiceEngine, and the complementary VoiceEngine reconstructs the message (Wilkes, col. 7, line 60 through col. 8, line 2).

Wilkes did not explicitly state wherein a header is provided with the indication indicative separately for each time slot of at least one of said network nodes, on whether the IP protocol datagram carries the corresponding channel, so that when the IP protocol datagram lacks carrying the corresponding channel indication, the receiving packet network node is enabled to receive data to that channel from other sources from a IP-network in a non-consecutive manner.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that each packet sent by the VoiceEngine contains a header that identifies which voice connection the packet belongs. Otherwise, the multiplexing of the packets from the multiple voice connections would result in packets being incorrectly used in reconstructing each message for transmitting to the receiving end,



resulting in mixed streams which do not make any sense. It is well known in the art for the header of a packet in a data stream to include sequencing information as well as other control information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include within each packet header, time slot and sequencing information in order for the receiving end to successfully be able to determine which stream the packet belongs, as well as what piece of the voice data the packet corresponds to, in order for the stream to successfully be transmitted and understood at the receiving end.

29. Regarding claim 17, Wilkes disclosed a network element configured to implement the method according to claim 14 (Wilkes, Fig. 2, 32 34).

30. Regarding claim 18, Wilkes disclosed a network element configured to implement the method according to claim 16 (Wilkes, Fig. 2, 32 34).

31. Regarding claim 19, Wilkes disclosed a method for transmission of data over a data transmission network, comprising:

employing, in the data transmission network, a IP protocol from a first network node receiving data from a first circuit switched transmission line to a second network node transmitting data into a second circuit switched transmission line (Wilkes, Fig. 10, Internet 16; col. 3, lines 49-50, transmitting TCP/IP packets);

determining, in accordance with a predefined rule, a destination address of a IP protocol datagram comprising data received from the first circuit switched transmission line for transmission to the second network node based on circuit switched channel identifying parameters which identify at least one channel in the second circuit switched transmission line and a IP protocol address of the second network node (Wilkes, col. 3, line 59 through col. 4, line 4);

inserting a number of samples from said at least one channel of a transmission line into a payload portion of a data packet (Wilkes, col. 7, lines 53-65); and

indicating a destination transmission line and a channel within the transmission line in a destination packet address (Wilkes, col. 6, lines 38-47; col. 7, line 65 through col. 8, line 5);

Wilkes disclosed the VoiceEngine acts as a multiplexer for simultaneously sending a signal to a plurality of VoiceEngines from a single VoiceEngine as well as for simultaneously receiving a signal from a plurality of VoiceEngines at a single VoiceEngine (Wilkes, Fig. 9A and 9B). Wilkes also disclosed the VoiceEngines are also capable of multiplexing many voice connections on a single Internet connection (col. 8, lines 22-25). Wilkes also disclosed the VoiceEngines preparing the data for transmission via the Internet by creating discrete packets which are routed to the complementary VoiceEngine, and the complementary VoiceEngine reconstructs the message (Wilkes, col. 7, line 60 through col. 8, line 2).

Wilkes did not explicitly state wherein a header is provided with the indication indicative separately for each time slot of at least one of said network nodes, on

whether the IP protocol datagram carries the corresponding channel, so that when the IP protocol datagram lacks carrying the corresponding channel indication, the receiving packet network node is enabled to receive data to that channel from other sources from a IP-network in a non-consecutive manner.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that each packet sent by the VoiceEngine contains a header that identifies which voice connection the packet belongs. Otherwise, the multiplexing of the packets from the multiple voice connections would result in packets being incorrectly used in reconstructing each message for transmitting to the receiving end, resulting in mixed streams which do not make any sense. It is well known in the art for the header of a packet in a data stream to include sequencing information as well as other control information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include within each packet header, time slot and sequencing information in order for the receiving end to successfully be able to determine which stream the packet belongs, as well as what piece of the voice data the packet corresponds to, in order for the stream to successfully be transmitted and understood at the receiving end.

32. Regarding claim 20, Wilkes disclosed the limitations as described in claim 1, including transmitting the number of time slots in the corresponding frame (Wilkes, col. 8, lines 22-25).

33. Regarding claim 21, Wilkes disclosed the limitations as described in claim 1, including receiving data of different time slots of a single PCM trunk line from different packet network gateways (Wilkes, Fig. 9B, 32).

34. Regarding claim 23, Wilkes disclosed the limitations as described in claim 4, including wherein a third packet network gateway is arranged to send data to the rest of the time slots of the same PCM trunk line (Wilkes, col. 9A, 32).

35. Regarding claim 24, Wilkes disclosed the limitations as described in claim 1, including wherein the destination packet network gateway is arranged to receive a group of channels from another packet network gateway (Wilkes, col. 8, lines 22-26).

36. Regarding claim 25, Wilkes disclosed the limitations as described in claim 1, including wherein the single channels are arranged to be received separately from one or more other sources, such as IP telephones (Wilkes, col. 9, lines 56-67).

37. Regarding claim 26, Wilkes disclosed the limitations as described in claim 1, including wherein said determining is based on circuit switched channel identifying parameters in the header (Wilkes, col. 3, line 60 through col. 4, line 5; col. 9, lines 56-67).

38. Claim 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkes in view of Rose (U.S. 6,449,278).

39. Regarding claim 22, Wilkes disclosed the limitations as described in claim 1. Wilkes did not explicitly state wherein a first packet network gateway sends data to time slots 5 to 10 of at least at the rate 2048 kbit/s PCM trunk line at a second packet network gateway.

In an analogous art, Rose disclosed an exchange for communication between distributed nodes for processing calls in which, normally, the signaling data link for time-slots is 2048 kbit/s PCM system (col. 2, lines 24-30).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wilkes and Rose to obtain the predictable results of transmitting data to time slots at the normal rate of 2048 kbit/s.

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jerry B Dennison/

Primary Examiner, Art Unit 2143